

Amendment No. 1 to SB0872

Bailey
Signature of Sponsor

AMEND Senate Bill No. 872*

House Bill No. 1336

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "online marketplace" means a person or entity that:

(1) Provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium, through which a good or service in this state is advertised or offered to the public as available; and

(2) Directly or indirectly provides or maintains a platform for goods or services by performing the following:

(A) Providing a payment system that facilitates a transaction between two (2) platform users;

(B) Transmitting or otherwise communicating the offer or acceptance of a transaction between two (2) platform users;

(C) Owning or operating the infrastructure, whether electronic or physical, or technology that brings two (2) or more users together;

(D) Providing a virtual currency that users are allowed or required to use to transact; or

(E) Providing software development or research and development activities related to any of the activities described in this subdivision

(a)(2).

(b) A county, including a county with a metropolitan form of government, shall not:

- (1) Regulate the operation of an online marketplace; or
- (2) Require an online marketplace to provide personally identifiable information of users without an administrative subpoena or court order.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "online marketplace" means a person or entity that:

(1) Provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium, through which a good or service in this state is advertised or offered to the public as available; and

(2) Directly or indirectly provides or maintains a platform for goods or services by performing the following:

(A) Providing a payment system that facilitates a transaction between two (2) platform users;

(B) Transmitting or otherwise communicating the offer or acceptance of a transaction between two (2) platform users;

(C) Owning or operating the infrastructure, whether electronic or physical, or technology that brings two (2) or more users together;

(D) Providing a virtual currency that users are allowed or required to use to transact; or

(E) Providing software development or research and development activities related to any of the activities described in this subdivision

(a)(2).

(b) A municipality shall not:

- (1) Regulate the operation of an online marketplace; or

(2) Require an online marketplace to provide personally identifiable information of users without an administrative subpoena or court order.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.